

**EXHIBIT B TO THE
SUPPLEMENTAL
DECLARATION OF
ALEXANDER
BOGDAN**

CERTIFIED
TRANSCRIPT

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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XIAOLU "PETER" YU,

Plaintiff,

CASE NO.

-against-

13 CV 4373

VASSAR COLLEGE,

Defendant.

-----X

124 Raymond Avenue

Poughkeepsie, NY

June 12, 2014

12:01 P.m.

Examination before trial of DEFENDANT,
VASSAR COLLEGE, by JULIAN WILLIAMS, held pursuant
to Court Order, at the above time and place,
before Marie A. Martin, a Notary Public of the
State of New York.

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2 usually available online. So if I need to
3 reference something quick, I can go online to find
4 it or I will typically do, go onto the specific
5 website to find a directive or look at the FAQs to
6 answer a specific question.

7 Q. Do your duties as Title IX coordinator
8 differ from that of a Title IX investigator?

9 A. As I understand it, they do.

10 Q. How so?

11 A. The role of the investigator is to
12 investigate. So their responsibility would be to
13 meet with the complainant, meet with the
14 respondent, to compile all the information and
15 evidence, to speak to any witnesses and draft a
16 report.

17 The way that it's set up here at Vassar
18 is that if a student versus student or student on
19 student, student conduct matters, that those are
20 to be investigated by the Title IX investigator.

21 My role is to assist and supervise the
22 investigation, as well as to be a resource for the
23 complainant and the respondent should there be
24 questions about the overall process, about the
25 hearing process or the investigative process. And

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2 in order to do that effectively, as I understand
3 it, in my opinion, you can't be the one doing the
4 investigation, that you have to be somewhat
5 separated from it. So there is a specific
6 separation of roles there set up here at Vassar.

7 Q. Do you play any role in the actual
8 adjudication of the complaint once it gets to a
9 hearing?

10 A. I am not sure of your question. Would
11 you mind rephrasing? I think I know what you are
12 trying to get at.

13 Q. So once the complaint gets passed the
14 investigation stage and a report is compiled and a
15 hearing is coordinated, has begun --

16 A. Right.

17 Q. -- there is a panel that sits --

18 A. Right.

19 Q. -- that's in charge of deciding and
20 determining whether the accused is responsible or
21 not. Do you play any role in that decision-making
22 process?

23 A. No.

24 Q. Panel members don't reach out to you in
25 any way at that point to help them?

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2 You can answer.

3 A. That's correct. I wouldn't solicit the
4 complainant or the respondent unless they were to
5 come to me or if I was directed that this person
6 may have had a question. Then at that point I
7 would reach out to them.

8 Q. Has Vassar College ever been audited for
9 compliance with Title IX?

10 A. I don't know. Since I have been here, I
11 don't believe that we have, but I can't speak to
12 what happened before I started working here.

13 Q. You mean while Belinda Guthrie was in
14 place?

15 A. That's correct.

16 Q. Have you ever personally been audited
17 for your compliance with Title IX?

18 A. Not to my knowledge.

19 Q. Does Vassar College evaluate, at any
20 time, how it handles sexual assault cases on
21 campus?

22 A. Yes.

23 Q. How often per year?

24 A. I would be unable to give a number. I
25 would say frequently. We are consistently looking

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2 at our policies, looking at ways to always
3 improve.

4 We consistently try to get feedback from
5 those involved to figure out how or what changes
6 may be necessary to make policies clear and make
7 processes clearer from there. So I would say that
8 we do that very frequently.

9 Q. Frequently, like once a month?

10 A. It could be once a month. It could be
11 once every two months. I know we -- this is an
12 undertaking that we would do annually. We would
13 look at -- for example, at the end of last year we
14 had added new policies to our handbook. It was
15 with regards to stalking and dating violence. So
16 those are the types of changes that we would make
17 frequently in terms of crafting an additional
18 policy.

19 Q. You might have mentioned it before, but
20 remind me, do you have a hand in the drafting of
21 regulations or policies at Vassar College?

22 A. Yes.

23 Q. So, for example, the new policies you
24 just mentioned relating to stalking and dating
25 violence, did you have a hand in drafting the

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2 relevant or not, with the understanding that the
3 overarching goal in my role as Title IX officer is
4 not only latitude, but also giving each party a
5 full and fair opportunity to present their case on
6 their behalf.

7 Q. After the investigation report is
8 drafted, it's transmitted to you directly by
9 Mr. Horowitz; right?

10 A. That's correct.

11 Q. What do you do with that after he has
12 given it to you?

13 A. Typically it's a pretty holistic review.
14 I am looking at the facts, how they are stated, is
15 the information clear when the panel has to look
16 at this, looking at the specific possible
17 violations.

18 Basically looking at -- checking for
19 spelling errors, grammatical errors, anything that
20 may detract from the panel or distract the panel
21 from their specific duties.

22 So that's typically my role, is to look
23 at how things are laid out, is it clear, is it
24 organized, is it detailed, is there enough
25 information there to give the panelists or is

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2 there too much information there. It's sort of
3 that, for example, that sort of a review that I
4 will do when receiving the report.

5 Q. Do you review the report together with
6 witness statements, written witness statements
7 that are referenced within the report?

8 A. No. I would just -- I typically would
9 just get the report itself.

10 Q. So you also don't get handwritten notes
11 that were taken by Mr. Horowitz or Ms. Squillace
12 during the investigation?

13 A. That's correct. I wouldn't review --
14 typically I wouldn't review their handwritten
15 notes. Just the report at the end.

16 Q. So how do you ensure that the report is
17 containing all the facts and witnesses relevant to
18 the charges?

19 MR. BOGDAN: Objection.

20 You can answer.

21 A. I think that comes, once again, with the
22 trust that's there, as well as that the
23 investigators are trained to make the
24 determination as to which facts to include, which
25 facts went up to the panel, which facts may

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2 amendments, we'll have to -- typically the only
3 persons to attend hearings are members of the
4 college community.

5 That will probably change next year.
6 We'll have to allow attorneys present in the room.
7 So we'll be looking at a list of changes there and
8 this could be one of them.

9 Q. Do you audit Richard Horowitz's
10 compliance with Title IX?

11 MR. BOGDAN: Objection.

12 You can answer.

13 A. My role is to supervise his duties as
14 Title IX investigator. He has other duties which
15 are supervised in residential life. But he and I,
16 as well as the other investigators, will meet
17 frequently to talk about our processes, our
18 procedures, what we are doing, what they are doing
19 in cases. So I would see that as a specific type
20 of audit and review.

21 Q. Do you take note of how many training
22 sessions Mr. Horowitz attend per year?

23 A. I do. Yes.

24 Q. In 2013 how many had he attended?

25 A. Sure. It's my understanding that he